



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0202-Room 3521-S
1400 Independence Avenue, SW.
Washington, D.C. 20250-0202

In reply, please refer to
FOIA No. 2012-AMS-01468-F

Mr. Jason Smathers
MuckRock News
DEPT MR 752
P. O. Box 55819
Boston, MA 02205-5819

FEB 22 2012

752-49354060@requests.muckrock.com

Dear Mr. Smathers:

This is in response to your August 3, 2011, request under the Freedom of Information Act (FOIA), received by the Agricultural Marketing Service (AMS) by e-mail on February 3, 2012. You are requesting employee personnel records of Mr. Artie B. Spencer, and/or records pertaining to Audrey Vernice Spencer in connection with a conflict of interest investigation involving Tyson's Foods. Your request also seeks records concerning bribes, potential bribes, investigations of possible bribes, or related conduct pertaining to Tyson Foods and/or Don Tyson. In a February 3, 2012, e-mail to Mr. Joseph Tangredi, of the USDA FOIA Requestor Service Center, you clarified your request to cover the time period of 1965 – 1975.

You requested an explanation of the acronym NACC. Beginning in the mid-1960s, the term Non-Allocated Cooperatively Controlled poultry graders was used to delineate a specific classification of federal employees without General Schedule competitive status. In 1974, all NACC employees were converted to competitive status, given a pay raise, a new job description and new job qualification standards.

Since the inception of the poultry and shell egg grading program, grading and certification services have been paid for by those who request and use them (i.e., non-allocated), and where possible are a coordinated effort of the federal and state governments. The title also highlighted that the functions of the program were carried out cooperatively with the participation of State Agencies, colleges, and national trade associations through the means of Cooperative Agreements.

When an individual no longer works for the Federal government, the personnel file is retained by the hiring agency for two years, and is then transferred to the National Archives and Records Administration (NARA), and becomes the property of NARA. Thus, the records you seek are not held by AMS.

The General Records Schedule 1, Civilian Personnel Records, dated April 2010, specifies the disposition of personnel records and other records relating to civilian personnel and is available on the Internet at <http://www.archives.gov/records-mgmt/grs/grs01.html>. You may request the records from NARA by writing to the FOIA Service Center, 111 Winnebago Street, St. Louis,

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Missouri 63118-4126. You may also contact them at (314) 801-9250, or at the following Internet link: <http://www.archives.gov/st-louis/civilian-personnel/index.htm>.

You may appeal this response within 45 days from the date of this letter. Any such appeal should be in writing and addressed to: Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0201, 1400 Independence Ave., SW, Room 3071, South Building, Washington, DC 20250-0201. If you decide to file an appeal, please provide specific reasons why you believe modification of the initial action is warranted. To facilitate processing your appeal, the phrase "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

Sincerely,

A handwritten signature in cursive script, reading "Valerie L. Emmer-Scott".

Valerie L. Emmer-Scott
AMS Freedom of Information Act Officer